

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-717-MOC**

MISHELLE LOZANO LOCKERBY,

Plaintiff,

v.

CROSS POINT PARTNERS, LLC, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on its own motion.

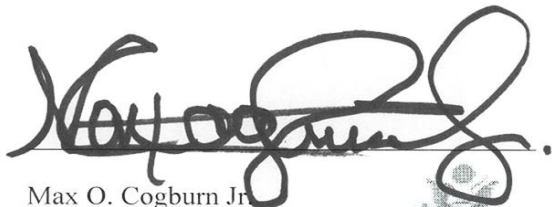
In this action claiming unlawful eviction fees, the parties argue over whether 2021 Amendments to N.C. GEN. STAT. § 42-46 should be applied retroactively. Plaintiff argues that retroactive application violates the North Carolina Constitution.

The Court notes that the exact legal issues were litigated in a recent case in the Middle District of North Carolina. That court held in Bass v. Weinstein Management Co., 1:20cv916, 2021 WL 4078507 (M.D.N.C. Sept. 8, 2021) that the 2021 Amendments to N.C. GEN. STAT. § 42-46 apply retroactively and the Court granted the defendant's motion for judgment on the pleadings. The plaintiff filed a Notice of Appeal from the court's decision with the Fourth Circuit Court of Appeals on October 5, 2020.

To prevent inconsistent court rulings, and because the Fourth Circuit is now poised to decide the very issues the parties are litigating in this case, the Court finds that this matter is hereby **STAYED** pending the outcome of the appeal in Bass. The parties shall notify the Court when the Fourth Circuit issues a ruling and mandate in Bass.

IT IS SO ORDERED.

Signed: October 22, 2021



Max O. Cogburn Jr.
United States District Judge